

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AKEEM HUTCHINSON,
Plaintiff,

v.

MR. OVERMYER, et al,
Defendants.

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C.A. No. 19-3 Erie

**District Judge Susan Paradise Baxter
Magistrate Judge Maureen P. Kelly**

MEMORANDUM ORDER

This action was commenced by Plaintiff's filing of a *pro se* civil rights complaint accompanied by a motion for leave to proceed *in forma pauperis* ("ifp motion") [ECF No. 1], on January 2, 2019. Plaintiff also filed a motion for temporary restraining order and preliminary injunction [ECF No. 1-3, subsequently re-docketed as ECF No. 5], seeking an order directing Defendants to provide a mental health examination by a qualified specialist and to transfer Plaintiff to a mental health unit.

This matter was referred to United States Magistrate Judge Maureen P. Kelly, for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. This case was subsequently reassigned to the undersigned, as presiding judge, with Judge Kelly remaining as the referred judge for all pretrial proceedings.

After conducting an extensive *in-camera* review of Plaintiff's mental health records for the preceding two years [ECF No. 27], and upon consideration of a 16-page declaration received from Dr. Bruce Simons, Ph.D, head of the Psychology Department at SCI-Forest [ECF No. 32-

2], Judge Kelly issued a Report and Recommendation (“R&R”) recommending that Plaintiff’s motion for temporary restraining order and preliminary injunction be denied, without prejudice [ECF No. 35]. In particular, Judge Kelly found that Plaintiff has not established either a likelihood of success on the merits or a probability of irreparable harm if relief is not granted. Plaintiff has failed to file any objections to the R&R.

After *de novo* review of Plaintiff’s motion, Defendants’ responses in opposition, and the documents submitted by the parties in this case, together with the report and recommendation, the following order is entered:

AND NOW, this 24th day of September, 2019;

IT IS HEREBY ORDERED that Plaintiff’s motion for temporary restraining order and preliminary injunction [ECF No. 5] is DENIED, without prejudice. The report and recommendation of Magistrate Judge Kelly, issued July 24, 2019 [ECF No. 35], is adopted as the opinion of the court.


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Maureen P. Kelly
U.S. Magistrate Judge